## Rules Amending Title 19 Hawaii Administrative Rules

1. Chapter 19-36, Hawaii Administrative Rules, entited "Passenger Facility Charges" is adopted to read as follows:

### "HAWAII ADMINISTRATIVE RULES

TITLE 19

### DEPARTMENT OF TRANSPORTATION

SUBTITLE 2

#### AIRPORTS DIVISION

#### CHAPTER 36

# PASSENGER FACILITY CHARGES

Purpose
Definitions
Authority
Passenger facility charges
Incorporation by reference

§19-36-1 <u>Purpose</u>. The purpose of this chapter is to establish and implement a passenger facility charge program in accordance with 14 CFR Part 158.

[Eff ] (Auth: HRS §261-12) (Imp: HRS §261-12)

§19-36-2 <u>Definitions</u>. Unless the context clearly indicates otherwise, as used in this chapter:

"Department" means the state department of transportation.

"Director" means the director of the state department of transportation, or its duly authorized representative.

"FAA" means Federal Aviation Administration.

"14 CFR Part 158" means Title 14, Code of Federal Regulations, Part 158.

"PFC" means passenger facility charge.

"State" means State of Hawaii.

[Eff ] (Auth: HRS §261-12)

(Imp: HRS §261-12)

 $\S19-36-3$  <u>Authority</u>. The director is authorized by section 261-12, Hawaii Revised Statutes, to adopt 14 CFR Part 158. [Eff ] (Auth: HRS  $\S261-12$ ) (Imp: HRS  $\S261-12$ )

## §19-36-4 Passenger facility charges.

- (a) The department is authorized to impose a PFC not to exceed \$4.50 per enplaned passenger at any commercial service airport under its control, consistent with 14 CFR Part 158.
- (b) The proceeds from the PFC's shall be used to finance eligible airport-related projects that:

  - (2) Reduce airport noise; or
  - (3) Furnish opportunities for enhanced competition between or among air carriers.
  - (c) 14 CFR Part 158 sets forth procedures for:
  - (1) Applying for authority to impose PFC's by the department;
  - (2) Reviewing and approving such applications by the FAA;
  - (3) Collecting, handling and remitting PFC's by air carriers;
  - (4) Reporting, recordkeeping and auditing requirements applicable to the department and air carriers;
  - (5) Terminating PFC authority; and

§19-36-5 <u>Incorporation</u> Part 158, as it existed on _ adopted in its entirety and chapter." [Eff (Imp: HRS §261-12)	, is hereby
2. The adoption of ch Administrative Rules, shall filing with the Office of th	take effect ten days after
I certify that the fore rules, drafted in the Ramsey requirements of section 91-4 Statutes, which were adopted filed with the Office of the	.1, Hawaii Revised on, and
	Director of Transportation
APPROVED AS TO FORM:	
Deputy Attorney General	